

## REMARKS

### A. Background

Claims 1, 4-9, and 11-13, 15, and 16 were pending in the application at the time of the Office Action. The Office Action rejected claims 1, 4-9, and 11-13, 15, and 16 as being obvious over cited art. By this response applicant has amended claims 1, 5, 9, and 12; cancelled claims 6, 11 and 16; and added new claims 17-19. As such, claims 1, 4, 5, 7-9, 12, 13, 15, and 17-19 remain pending, of which claims 1, 9, 12, 18 and 19 are the independent claims at issue.

### B. Proposed Claim Amendments

By this response claims 1, 5, 9, and 12 have been amended and new claims 18 and 19 have been added to promote clarity and consistency in the claimed embodiments which recite methods and systems for accessing and providing remotely accessible information to mobile stations that is determined to be of relevance to a user through the use of short message based services.<sup>1</sup>

The method recited in claim 1, for example, includes an address server monitoring a remote predefined information location on an information server over the internet for information that is determined to be of relevance to a user. Upon determining that information relevant to a user is available at the remote predefined information location and prior to retrieving the information from the remote predefined location, a data structure is generated that includes an identifier associated with address data corresponding to the predefined information location. This identifier is then transmitted to a mobile station within an SMS type message. Once the message is retrieved by the mobile station, the identifier is used to access the address server, which then accesses the corresponding information over the internet and transmits it to the mobile station. Notably, the address server does not retrieve the information until after the message is transmitted to the mobile station and in some instances, until after the mobile station responds back to the address server with the identifier. In particular, the address server first monitors predefined information locations through an information server for information relevant to a user, and then transmits a corresponding identifier to the mobile station only after a determination has been made from the monitoring that information relevant to the user is actually available at the predefined remote location. Other minor changes have also been made to promote clarity and consistency of the claim language.

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<sup>1</sup> The amendments to claims 1, 5, 9, and 12, as well as all of new claim 17, are supported at least by the disclosure found in page 12, lines 28-37 of the specification as originally filed

The next two independent claims, 9 and 12 are directed to corresponding system claims that are recited as arrangements at a server and mobile station, respectively.

The last two independent claims, claims 18 and 19, which have been added by this amendment, recite methods similar to the method recited in claim 1. However, claim 18 recites elements only from the perspective of a server and claim 19 recites elements only from the perspective of the mobile station. These claims are similar to claim 1, but are distinguished because claim 1 is directed to a method that recites elements from the perspective of both the server and mobile station. Inasmuch as the recited elements of claims 18 and 19 correspond directly to the elements recited in the other independent claims, Applicant submits that no new matter has been introduced by the amendments to the claims. As such, entry of the amendments is respectfully requested.

#### C. Rejection on the Merits

The Office Action rejected claims 1, 4-9, and 11-13, 15, and 16 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,047,327 to Tso et al. in view of U.S. Patent No. 5,895,471 to King and U.S. Patent Application No. 2001/0032254 by Hawkins. Specifically, the Office Action asserts that the Tso patent discloses the claimed invention except that Tso “does not explicitly disclose using the identifier as an argument to the URL when accessing the address server,” and that Tso “does not disclose that the information server is explicitly accessed in response to said mobile station accessing said address server.” To compensate for the acknowledged deficiencies of Tso, the Office Action relies on an assertion that it would have been obvious for Tso to be modified to perform the forgoing element in view of King and Hawkins. Although Applicant respectfully submits that the forgoing rejection is now moot in view of the amendments made to the claims, Applicant nonetheless respectfully traverses this rejection.

The Tso reference discloses a server/client system and methods for distributing information (termed “infocasts”) from content providers to the client via an InfoCast server A 17. As part of this system, Tso discloses allowing information at a content provider to be identified and to be received by the server using a server InfoBite database 50, a subscriber database 53, a server content database 51, and a server resource database 55, all residing on InfoCast server A 17, as shown in Figure 3. Using the retrieved information in these databases, an infobite is generated.

For each infocast, an infobite containing summary information about what is in the infocast is generated by the infocast server and sent to the client. Col. 7, lines 30-40. If the client wants more information on any story summarized in the received infobite, the client sends a message back to the infocast server requesting that the infocast server send the URL associated with the story's content provider back to the client. Col. 8, lines 48-53. In response, the infocast server sends to the client either the URL stored in server resource database 55 or, "bandwidth permitting," the story stored in server content database 51. Col. 8, lines 54-57; *see also* col. 24, line 60-col. 25 line 2. If the server sends the URL, the client then uses the URL to retrieve the resource information from the internet site directly using a back channel interface 81, bypassing the server. Col. 14, lines 29-32; col. 25, lines 20-23; Fig. 3. If, on the other hand, the server sends the story, Tso discloses only that the infocast server sends stories that the infocast server has previously stored in the server content database 51. Col. 14, lines 21-34; col. 24, lines 60-66. As acknowledged by the Office Action, Tso does not disclose the server accessing or retrieving any information from an internet site in direct response to any request from the client.

As noted above, the data for an infobite sent to the client is obtained from the databases on the InfoCast server A 17. Tso discloses that an InfoFeed interface 57 is used to update these databases. See col. 6, lines 46-48. Tso discloses that the content providers "use InfoFeed interface 57 to update the databases contained in server A 17," and that "InfoFeed interface 57 enables content providers to update data and resources on server A 17 for specific subscriber locations and times." Col. 5, lines 51-52 and 64-66, *emphasis added*. In other words, the updating of the databases on the InfoCast server is performed by the content providers, which take an active role in initiating the flow of information to the InfoCast server without a specific request for the specific information from the InfoCast server.

The fact that the content providers initiate the sending of unsolicited information to the InfoCast server is further evidenced by the main advantage of the invention as stated by Tso: "The system, according to the present invention, has the advantage of allowing information and content providers to take an active role in the distribution of information." Col 1, lines 53-55. If the content providers did not initiate sending the information (i.e., if the InfoCast server simply monitored the content providers for relevant information), the content providers would not be taking "an active role in the distribution of information." Thus, because the content providers automatically modify the

databases on the InfoCast server and those databases are used to alert the client that relevant information is available from the content providers, the InfoCast server does not monitor the content providers for relevant information and alert the client to the existence of information based on the monitoring action, nor would there be a motivation to do so.

Furthermore, the examples given in Tso relating to this aspect of the Tso invention relate to content providers initiating the sending of information to the InfoCast server A 17 without the InfoCast server monitoring the content providers. For example,

- “content provider A 5 ... can provide a real-time news service...” Col. 3, lines 8-10;
- “servers providing WWW ‘searching’ services ... and USENET search engines ... can also interface with an InfoCast server to provide a constant stream of new information.” Col. 3, lines 27-33, *emphasis added*;
- “Content provider F 8 is a service providing a video/audio feed to server A 17 through the use of a satellite communications network” Col. 3, lines 44-46, *emphasis added*;
- “Content provider G 10 is a video/audio feed service that is directly connected to server A 17 through the use of a coaxial cable.” Col. 3, lines 46-48, *emphasis added*;
- “the part of each InfoBite that is summary information for each particular item in an InfoCast is created by the content provider providing the InfoCast.” Col 7, lines 41-44, *emphasis added*.

To summarize, as the foregoing demonstrates, the InfoCast server does not monitor the content providers for relevant information and alert the client to the existence of information based on the monitoring action.

In view of the foregoing, the Tso reference does not disclose or suggest in accordance with an address server and an information server, a method or system that includes the acts of :

monitoring, at said address server, a remote predefined information location on said information server over the internet for information that is determined to be of relevance to a user;

upon determining from the act of monitoring that information relevant to a user is available at the remote predefined information location and prior to retrieving the information from the remote predefined location, generating a data structure that includes an identifier associated with address data corresponding to the predefined information location and transmitting said data structure in a message from said address server to a mobile station corresponding to the user, using a short message based service provided in a mobile communication network;

as recited in amended claim 1 in combination with the other recited claim elements or similar embodiments as recited in claims 18 and 19.

Likewise, the Tso reference also fails to disclose or suggest an arrangement at a server which includes:

means for monitoring a remote predefined information location on said information server over the internet for information that is relevant to a user;

means for storing address data specifying the location of said information and for storing an identifier which is associated with said address data;

means for generating a data structure that includes an identifier associated with address data corresponding to the predefined information location and transmitting said data structure in a message to a mobile station using a short message based service provided by a mobile communication network upon determining that information relevant to the user is available at the remote predefined information location and prior to retrieving the information from the remote predefined information location;

as recited in amended claim 9 in combination with the other recited claim elements.

Likewise, the Tso reference does not disclose or suggest an arrangement at a mobile station which includes:

means for receiving from an address server an identifier being transferred in a message of a short message based service provided by a mobile communication network, wherein the message is transferred to the mobile station in response to an address server monitoring a remote predefined information location on said information server over the internet for information that is determined to be of relevance to a user, and wherein the message is generated and transmitted to the mobile station prior to the address server retrieving the information from the predefined location, and wherein the identifier included in the message is associated with address data corresponding to the predefined information location ;

as recited in amended claim 12 in combination with the other recited claim elements.

As noted above, the Office Action points to the King and Hawkins references to allegedly cure the Tso deficiencies of “ not explicitly disclos[ing] using the identifier as an argument to the

URL when accessing the address server,” and “not disclos[ing] that the information server is explicitly accessed in response to said mobile station accessing said address server,” respectively. Even assuming, *arguendo*, that modifying Tso in the purportedly obvious manner by King and Hawkins would cure these cited deficiencies, King and Hawkins would still fail to cure the deficiencies of Tso cited above regarding the InfoCast server not monitoring the content providers for relevant information and alerting the client to the existence of information based on the monitoring action

“To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2143. Because a purportedly obvious combination of Tso, King and/or Hawkins does not teach all of the limitations of amended claims 1, 9, and 12, as detailed above, Applicant submits that a *prima facie* case of obviousness has not been established.

In view of the foregoing, applicant respectfully requests that the obviousness rejection with respect to claims 1, 9, and 12 be withdrawn. Claims 4, 5, 7, 8, 13, and 15 each depend from claims 1 or 12 and thus incorporate the limitations thereof. As such, applicant submits that claims 4, 5, 7, 8, 13, and 15 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 1 and 12. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 4, 5, 7, 8, 13, and 15 also be withdrawn.

Applicant submits that new claims 17-19 are distinguished from the cited art for substantially the same reasons as discussed above regarding claims 1, 9, and 12.

No other objections or rejections are set forth in the Office Action.

#### D. Conclusion

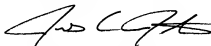
Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art. Accordingly, any silence with regard to a particular rejection or assertion should not be construed as any admission on the part of the Applicant that said rejection or assertion is true. To the contrary, Applicants reserve

the right to further challenge any of the rejections or assertions, as necessary, at any appropriate time in the future.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1, 4, 5, 7-9, 12, 13, 15, and 17-19 as amended and presented herein. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 7<sup>th</sup> day of June, 2006.

Respectfully submitted,



DANA L. TANGREN  
Registration No. 37,246  
JENS C. JENKINS  
Registration No. 44,803  
Customer No. 022913  
Telephone No. 801.533.9800

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